

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE ENGROSSED NO. **HB 1021** - 01/19/2016

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to allow child advocacy centers and tribal agencies that
2 provide child placement services to obtain results from a check of the central registry for
3 abuse and neglect.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 26-8A-12.2 be amended to read:

6 26-8A-12.2. Upon receipt of names of current or potential employees or volunteers from the
7 Juvenile Division of the Department of Corrections, any adolescent treatment program operated
8 by the Department of Human Services or the Department of Social Services, any entity
9 recognized as administering a CASA program as provided in § 16-2-51, any nationally
10 accredited child advocacy center recognized by the Department of Social Services, or a court
11 considering appointment of a guardian ad litem for a child in a proceeding pursuant to chapter
12 26-8A, the Department of Social Services shall compare the names to the central registry for
13 abuse and neglect and report any findings to the requesting program director, to the Bureau of
14 Human Resources human resource manager, child advocacy center, or to the court. Any
15 potential employee or volunteer under this section shall give written consent ~~prior to~~ before



1 completion of the abuse and neglect screening. Failure to submit to abuse and neglect screening
2 disqualifies an applicant from employment or appointment.

3 Section 2. That § 26-8A-12.3 be amended to read:

4 26-8A-12.3. Upon the receipt of a written request from a licensed child welfare agency or
5 a private child welfare agency whose licensure has been waived pursuant to § 26-6-9, the
6 Department of Social Services shall conduct a check of the central registry for child abuse and
7 neglect for kinship, foster care, adoption, or employment applicants and shall provide the results
8 to the requesting agency. Further, upon written request from an agency that provides child
9 welfare services or child placement services for a federally recognized tribe, the department
10 shall conduct a check of the central registry for child abuse and neglect for kinship, foster care,
11 or adoption applicants and shall provide the results to the requesting tribal agency. ~~Prior to~~
12 Before the department ~~conducting~~ conducts any check of the central registry for child abuse and
13 neglect pursuant to this section, the requesting agency shall provide to the department a consent
14 signed by the applicant for kinship, foster care, adoption, or employment.